

DELEGATED REPORT

Report by Claire Booth	Date of report: 24/03/2025	Ref: 71010/FUL
Registration: 23/01/2025	LDFC: 14/02/2025	Expiry Date: 20/03/2025
Site Visit: 17/03/2025	Site Notice: N/A	Press Date: N/A
Objections: 3	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from an office (Class E) to a 7 bed/7 person house in multiple occupation.

Location: 33 Knowsley Street, Bury, BL9 0ST

Description

The application relates to a traditional red brick, bay fronted mid-terraced property on Knowsley Street within Bury Town Centre. The property is located centrally within the wider terrace. The properties along Knowsley Street are a mix of commercial uses and, as a result of various Permitted Development conversions and planning applications, properties in use for HMO purposes.

Planning permission is sought to change of use of the property from an office (Class E) to a 7 bed/7 person house in multiple occupation. The proposals are partly retrospective as without planning permission, the applicant has changed the use of the property and it is currently being used as a 6-bedroom HMO without the benefit of having planning permission or any other authorised fall-back use.

The internal layout proposed seeks to have two ensuite bedrooms and a kitchen-diner at ground floor level; 3 en-suite bedrooms at first floor level, and two en-suite bedrooms in the loft room.

Relevant Planning History

68845 - Change of use from office (Class E) to residential (Class C3) - Approved with Conditions 22/11/2022. This approval was not implemented.

24/0034/ENF - Change of use from office to house of multiple occupation - Under consideration pending the outcome of this application.

Publicity

The application has been advertised by sending letters to adjoining and nearby properties.

3 letters of objection have been received which raise the following concerns:

- Raises concern relating to the circumstances surrounding the original application i.e the application did not implement the approval to turn the office into a dwellinghouse, Use Class C3
- Concerned about the over concentration of HMO uses detracting from the commercial area
- Concerned the negative impact the lack of car parking provision and refuse storage bins being stored in the back street has on existing occupiers and businesses
- Concerned about the lack of car parking provision for the number of occupants and the subsequent impact on on-street parking provision and his existing business
- Asserts insufficient Refuse storage provision is proposed

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- Asserts there is a lack of cooking space proposed
- Asserts there is a lack of appropriate social space
- Raises concerns about residents sleeping next to their main living area and states this is already an issue, as in being considerate to their new neighbour, they are trying to be quieter than usual during the day, stating some of the existing occupiers work shifts
- Raises concern over whether the property would meet Fire safety regulations
- States there is a lack of storage for cycles - esp. under cover

Statutory/Non-Statutory Consultations

Traffic Section - Raises objections - see main body of report

Environmental Health - Pollution Control - No comments or observations received

Greater Manchester Police - designforsecurity - No comments or observations received

Waste Management - No comments or observations received

Housing - Public Protection - No comments or observations received.

Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B)
- No comments or observations received

Pre-start Conditions - Not relevant

Development Plan and Policies

Area	Manchester Road/Knowsley Street
BY4	
TC1	Town Centres
EC2/2	Employment Land and Premises
JP-C8	Transport Requirements of New Development
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For

simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

- The elimination of discrimination, harassment and victimisation;
- The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
- The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

ASSESSMENT

Principle of Development

Loss of an Employment Generating Use

The site is located within Bury Town Centre and more specifically within Area BY4 – Manchester Road/Knowsley Street as designated in Bury's Unitary Development Plan. Within Area BY4, the Council will consider favourably proposals for business, office, hotel/conference facilities, car parking and civic uses within the Manchester Road/Knowsley Street area of the Town Centre. The proposal conflicts with the requirements of this area policy.

Prior to the unauthorised change of use of the application site to a 6 bedroom HMO, the application site was in an office use.

UDP Policy EC2/2: 'Employment Land and Premises Outside Employment Generating

Areas' states the Council will seek the retention of existing employment land and premises outside the Employment Generating Areas except where it can be clearly demonstrated that an existing employment site or premises is no longer suited in land use terms to continued use.

In considering the proposal, there is also a need to take account of paragraph 127 of the NPPF, which states that:

Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

a. It should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and

b. In the interim, prior to updating the plan, application for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

In this context of the NPPF, the Council would need to be satisfied that there was no reasonable prospect of the site being retained or redeveloped for employment uses before being in a position where its redevelopment for housing could be supported.

In this respect, the Council has developed SPD14. In basic terms, SPD14 seeks to retain sites that are suitable, in land use terms, for continued employment use although it does allow for a greater degree of flexibility in so far as it considers viability issues as well as assessing the suitability of the site from a purely land use perspective.

From a land use perspective, the site is part of an established concentration of employment uses within Bury Town Centre that remains a suitable use for this location.

An assessment is therefore required to determine whether retaining the site in an employment generating use is viable and there is no realistic prospect of the site being used for this purpose. SPD14 requires applications which involve the potential loss of employment land to submit robust evidence to demonstrate that the site has been actively and comprehensively marketed at a realistic value and for a minimum of 12 months. No evidence that the property was satisfactorily marketing has been submitted and therefore it is recommended that the application be resisted on this basis.

Housing

In respect of the proposed HMO use, UDP Policy H1/2: 'Townscape and Built Design' states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

UDP Policy H2/4: 'Conversions', has specific regard to effects on amenity of neighbouring properties, general character of the area, amenity of occupants, effects from external changes on the street scene and car parking and servicing requirements. This is supported by SPD 13: 'The Conversion of Buildings to Houses in Multiple Occupation, that seeks to ensure that properties are of a sufficient size to accommodate the proposals and are large enough to offer satisfactory levels of accommodation for future residents. This document also seeks to ensure that HMO's are located in suitable locations. SPD 13 is rather dated in absolute terms (adopted in May 2007) and in some of the assumptions expressed (e.g. HMO's tend to attract residents in their teens and twenties who by their nature can be a little more energetic than older people, leading to a more active social life in the evenings).

However, the general factors against which proposals should be assessed at UDP Policy H2/4 remain relevant.

PfE Policy JP-H3 - Type, Size and Design of New Housing seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build. Paragraph 63 of the NPPF confirms that "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes" however no direct reference is made to HMOs or buildings of multiple occupation. For clarification, a house in multiple occupation is a form of housing tenure, where occupants live together forming more than one household (i.e. where facilities such as kitchen, bathroom or bathrooms can be shared with other tenants).

The conversion of properties to multiple occupation can often make an important contribution to local housing stock. However, it is recognised that such conversions can put pressures on buildings, sites and areas depending upon the amount of accommodation to be provided, demands created from parking etc and thus have an adverse effect on residential amenity and the character of an area. The main issues in relation to this proposal is the consideration of the impact of the proposed accommodation in relation to the suitability of the site and location, impacts on amenity, nature of the local environment, surrounding land uses and highway issues. These issues are discussed in more detail below and in light of the policies set out above.

Character of the area

UDP Policy H2/4 - 'Conversions' takes into consideration the concentration of building conversions for multiple occupation and the impact this can have to the character of an area. The justification for this policy makes it clear that it is necessary to ensure that dwelling standards are maintained and to ensure that, generally, an over provision of building conversions does not adversely affect the need to maintain a good mix of housing types, or adversely affects the character and amenity of residential areas. This is an issue which has been raised by a number of objectors.

Knowsley Street historically contains properties which were and are in an employment generating use. However, it is clear from looking at the planning history and the HMO Licencing register in this locality that the central area of the terrace has become highly concentrated with properties within either a HMO use or a flat/ apartment use, which includes the application site. Moreover, the majority of the rest of the terrace, is in commercial use, and therefore the congregation of properties converted into HMO use would result in the over provision of building conversions which would adversely affect the need to maintain a good mix of housing types and importantly the employment generating uses on Knowsley Street, to the detriment of its employment generating uses character. It is therefore recommended that the application is refused on this basis.

Effect on neighbouring businesses

Paragraph 200 of the NPPF states:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable

mitigation before the development has been completed.

The application site is in close proximity to a property in use by a firm of Accountants who have objected to the application for several reasons, including the adverse impact the existing unauthorised use has on their business, including from noise adversely affecting their business activities, and from residents of the unauthorised HMO parking in the businesses parking spaces and refusing to move from them when the business is open. This prevents directors and employees of the business parking their vehicles and is affecting their day to day running of the business. The proposal therefore places unreasonable restrictions on existing businesses within Knowsley Street and therefore fails to integrate effectively with existing businesses.

Amenity on neighbouring residents

The application site is located between a property with an authorised use for two apartments which is currently in use a single residential property and a property, which is currently vacant, with an authorised office use. A representation received, raises concern that since the property has been in its unauthorised 6 person HMO use, they have had to be quieter within their living accommodation due to them being aware that residents are sleeping next to their main habitable rooms, including their living room, due to the occupants undertaking shift work. A planning condition could be imposed to ensure the application site is adequately soundproofed along its boundary walls but a residential use, this would potentially not meet the tests for conditions.

Amenity of Future Occupiers

PfE Policy JP-H3: states that all new dwelling must:

1. Comply with the nationally described space standards; and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

This is further supported by UDP Policy H2/4 that seeks to consider the impact of any proposals on the amenity of the occupants.

All bedrooms proposed would comply with the national prescribed space standards and a condition could be applied to ensure that the proposal would comply with Part M4(2) of the Building Regulations.

In terms of the proposed communal space, which in this case, seeks only to be a kitchen-diner area with seating to be provided for 4 people and 2 chairs located away from the table. It is therefore clear that 7 occupants could not sit down and relax together in a communal space. The Council's HMO Licensing team have advised that to meet HMO licensing guidelines the kitchen area would need to have two sinks or a sink and a dishwasher. All of the above leads me to conclude that the proposal would fail to provide a satisfactory level of living accommodation.

The National Design Guide states that an aspect of ensuring development is well designed by ensuring that refuse bins are accessible and well-integrated into the design of streets, spaces and buildings, to minimise visual impact, unsightliness and avoid visual clutter. Whilst the proposed Site Plan indicates some bin storage could be provided, it is clear that the application fails to demonstrate that the requirement to store 6 x 1100 litre bins within the rear yard area. This is discussed in greater detail in the paragraphs below. However, this corroborates that the proposed use of the property for 7 occupants would be over-intensive and lead to unsatisfactory living conditions.

Highway Matters

Public parking provision to the rear of properties on Knowsley Street is very limited with most parking provision being owned by various businesses along Knowsley Street. Whilst the proposal indicates two car parking spaces could be provided, no additional car parking

provision is to be provided. The representations received assert that car parking provision to the rear of Knowsley Street is at capacity. The Local Highway Authority agree with the assertions and, whilst acknowledging that the site is well located to the Bus and Tram station, the LHA does recognise the car parking issues that are caused by existing HMOs along Knowsley Street, and, due to the lack of available off-street car parking provision in this locality, accordingly recommend the application be refused.

The National Design Guide states that an aspect of ensuring development is well designed by ensuring that refuse bins are accessible and well-integrated into the design of streets, spaces and buildings, to minimise visual impact, unsightliness and avoid visual clutter.

In terms of servicing the site, the Council's Waste Management Service has indicated that the level of occupancy would necessitate the need to provide 6 x 1100 litre refuse bins; 3 to be used for general rubbish and 3 to be used for the paper and plastic recycling service offered by the Council, on a 3 weekly collection cycle. The applicant has not demonstrated that the required level of refuse storage provision can be accommodated within the rear yard area, particularly when taking account of the two proposed car parking spaces.

The application also fails to provide any secure and covered cycle parking to meet long-term demand from occupiers and visitors in a convenient location that helps to maximise their use, contrary to the requirements of PfE Policy JP-C8: Transport Impact of Development.

Carbon and Energy

PfE Policy JP-S2 sets out the steps required to achieve net zero carbon emissions. The submitted details state the proposals will align with the 2022 Part L Building Regulations and therefore the proposal accords with the requirements of this policy.

Digital Connectivity

PfE Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable.

The site is located within an urban setting and as such it is likely that the internet connectivity can be provided for any occupiers that move into new property. As above, additional information in order to confirm this has not been requested given the considerations set out above.

Response to representations

It is considered that the material planning considerations raised within the representations submitted have been addressed within the main body of the report.

Conclusion

Given all the issues raised, it is recommended that the application be resisted.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposal would result in an additional HMOs within the locality that would intensify the use and density of the site and result in a high concentration of such and similar uses within the vicinity of the site. The application has therefore failed to demonstrate that the proposal would not have a detrimental impact on the character of the area contrary to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/4 - Conversions, Places for Everyone Joint Development Plan Policy JP-H4 - Density of New Housing of the and the National Planning Policy Framework.
- 2 By virtue of an unsatisfactory amount of communal space and insufficient provision for the storage of a satisfactory level of refuse storage, the proposed development, by virtue of the proposed density and layout would lead to a poor arrangement of accommodation available for the future occupiers of the House in Multiple Occupation (HMO) and as such would have a detrimental impact on residential amenity of existing, future and neighbouring occupiers, and fails to be well-designed, contrary to Policy H2/4 - 'Conversions' Bury Unitary Development Plan, Policy JP-C8 'Transport Requirements of New Development' of the Places for Everyone Joint Development Plan, and the requirements of Section 12 'Achieving well-designed places' of the National Planning Policy Framework.
- 3 The application and submitted plans contain insufficient information to enable the proposed off-highway bin storage and refuse collection arrangements and covered cycle storage for the HMO/ residential use proposed to be properly assessed. The proposal is therefore contrary to Policy H2/4: Conversions of the Bury Unitary Development Plan, Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan, SPD11: Car Parking in Bury, and the National Planning Policy Framework.
- 4 The application contains insufficient detail to demonstrate there is no reasonable prospect of the site being retained or re-developed for employment uses, contrary to the requirements of Policy EC2/2 -'Employment Land and Premises Outside the Employment Generating Areas' of the Bury Unitary Development Plan, SPD 14 and the National Planning Policy Framework.
- 5 The proposed car parking and cycle parking provision is inadequate and is likely to lead to vehicles parking and carrying out manoeuvres on the highway or at adjacent properties to the detriment of the free flow of traffic, road safety and residential amenity, contrary to the requirements of Policy H2/4: Conversions of the Bury Unitary Development Plan, Policies JP-C5: Streets for All, JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan, SPD11: Car Parking in Bury, and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	24/03/2025	DM	24/03/25